

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No: 1:22-cr-20104-JEM/Becerra

UNITED STATES OF AMERICA

v.

MARIO PALACIOS PALACIOS,

Defendant.

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**REPORT AND RECOMMENDATION ON  
APPOINTMENT OF CO-COUNSEL<sup>1</sup>**

**THIS CAUSE** came before the Court upon Defendant Mario Palacios Palacios’ (“Defendant”) Motion to Appoint Second Chair Counsel (the “Motion”). ECF No. [42]. A hearing was conducted on the Motion on August 24, 2022 (the “Hearing”). *See* ECF No. [45]. For the reasons stated below, the undersigned respectfully **RECOMMENDS** that the Motion be **GRANTED**.

The complexity and nature of this case warrants the appointment of co-counsel. As Defendant lays out in his Motion, this case involves witnesses located in Colombia, Jamaica, and Haiti, including approximately twenty witnesses currently incarcerated in Haiti. ECF No. [42] at 1. Many of the events at issue occurred outside of the United States, and the investigation of these events will require substantial travel. *Id.* at 2. Additionally, the case involves issues related to the Classified Information Procedures Act (CIPA), which requires some degree of specialized knowledge. *Id.* Finally, the matter concerns the murder of a head of state, and as such, will require significant preparation given both the type of evidence that is likely to be presented, and the

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<sup>1</sup> This Motion was referred to the undersigned by the Honorable Jose E. Martinez, United States District Judge. ECF No. [43].

Government's likely presentation of evidence. Indeed, at the Hearing, the Government indicated that multiple prosecutors will be involved in this matter, many of whom have substantial experience. By contrast, Defendant's current counsel is a sole practitioner, and the burden of investigating this case is likely to consume his entire practice should he continue to represent Defendant without any assistance. The Court also heard, outside the presence of the Government, argument from Defendant's counsel as to why additional assistance was necessary. The Court finds that the matter warrants the appointment of co-counsel from the CJA panel.

Both in his Motion and at the Hearing, Defendant requested the appointment of Mr. Richard C. Klugh as co-counsel. *See* ECF No. [42] at 2. As discussed at the Hearing, Mr. Klugh is not currently on the CJA list for trials during the relevant time period. After further review of the CJA list and discussion with qualified candidates, this Court **RECOMMENDS** that that Mr. Joaquin Mendez (Florida Bar No. 814652) be appointed as second CJA counsel. Mr. Mendez is available to take the appointment, has considerable trial experience, and has experience in handling cases with CIPA information. The undersigned believes that the matter requires two lawyers in order to properly defend the matter, and finds that the appointment of Mr. Mendez is appropriate for this matter.

At the Hearing, the Government did not object to another counsel being appointed, but asked the Court to appoint the next lawyer available on the CJA list, and not the counsel recommended by Defendant. The Court declined to appoint Mr. Klugh given that he is not on the CJA trial list and instead chose Mr. Mendez, who the Court confirmed was available to take the appointment and was a CJA lawyer available for appointment during the week of the Hearing.

A party shall serve and file written objections, if any, to this Report and Recommendation with the District Court within **THREE (3) DAYS** of being served with a copy of this Report and

Recommendation. Failure to timely file objections will bar a *de novo* determination by the District Judge of anything in this Recommendation and shall constitute a waiver of a party's "right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions." 11th Cir. R. 3-1 (2022); 28 U.S.C. § 636(b)(1)(C); *see also Harrigan v. Metro-Dade Police Dep't Station #4*, 977 F.3d 1185, 1191–92 (11th Cir. 2020).

**DONE AND SUBMITTED** in Chambers at Miami, Florida, on August 29, 2022.



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**JACQUELINE BECERRA**  
**UNITED STATES MAGISTRATE JUDGE**